



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

January 3, 2008

Mr. Patrick Tyndall
Environmental Program Manager
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201-2430

**RE: EPA Review Comments on
Final Environmental Impact Statement (FEIS)
Interstate 73: From I-95 to the Myrtle Beach Region
CEQ No. 20070509**

Dear Mr. Tyndall:

The U.S. Environmental Protection Agency (U.S. EPA) Region 4 reviewed the subject Final Environmental Impact Statement (FEIS) pursuant to Section 309 of the Clean Air Act, and Section 102 (2)(C) of the National Environmental Policy Act (NEPA). EPA appreciates your early coordination with us, and the Agency Coordination Team (ACT) process used to include resource agencies in the NEPA process. The purpose of this letter is to provide you with EPA's comments on the FEIS.

The FEIS assesses the potential environmental impacts of the no-build alternative and build alternatives for I-73. The FEIS identifies Alternative 3 as the Preferred Alternative selected by FHWA and SCDOT. Based on the public interest and comments on this project, Alternative 3 takes into consideration community concerns and school district boundaries, in addition to environmental parameters. The FEIS also includes information about the Community Impact Assessment for the project. Based on EPA's review, the FEIS has responded to most of EPA's concerns. However, the following areas require additional attention:

General:

We note that the FEIS did not include copies of agency comment letters submitted for the DEIS. This information would have been useful. Based on EPA's review of the FEIS, environmental concerns exist. Specifically, wetlands impacts, stream impacts and noise impacts will result from the project and will need to be addressed as the project progresses.

We note that funding for I-73 construction is not currently available, and that there is uncertainty regarding whether the facility will be tolled. Please be aware that updated NEPA documents and wetlands data may be needed if the project has a lengthy delay or project revisions that create a significant change.

Wetlands:

Although Alternative 3 has the lowest total overall wetland acreage and wildlife habitat impacts, a mitigation plan will be required to compensate for the 384 acres of wetlands impacts. This alternative would require a crossing over Lake Swamp and 41 stream crossings.

Jurisdictional streams will be identified and mapped during the wetland delineation for the Preferred Alternative. The installation of pipes or box culverts for stream crossings would require water body modification and could affect aquatic species movement.

Section 404 Permitting:

A conceptual mitigation approach has been developed based upon the USACE Charleston District's Standard Operating Procedures. The process will entail determining the number of stream and wetland mitigation credits needed, identification of specific mitigation sites, development of specific mitigation actions, ensuring a balance of mitigation actions, collection of baseline data, calculation of the credit generation of the mitigative actions, and inclusion of the plan with the Section 404 permit application.

EPA believes that a detailed compensatory mitigation plan is an essential precursor to the application for a Section 404 permit, and thus we recommend that the application be delayed until the plan is developed. We have significant concerns with any proposed in-lieu-fee approach that does not identify specific mitigation sites and actions. EPA looks forward to working with FHWA, SCDOT and the ACT team to expedite the development of the detailed compensatory mitigation plan. Considering the highly cooperative and interactive process we have in development of this FEIS, we would prefer not to have to raise this again issue during our Section 404 permit review process.

Noise:

Noise impacts are also a concern. The FEIS notes that although some noise impacts are expected, a preliminary analysis shows that noise barriers for impacted areas would not be reasonable based on cost per benefited receptor. Unavoidable noise impacts should be reasonably mitigated. Other forms of noise mitigation (or their combination) should be considered in addition to barriers, where barriers are shown to be infeasible or unacceptable, particularly in residential areas.

Section 4(f):

The Preferred Alternative would impact a Section 4(f) resource, the Vaughn tract, which is part of the Little Pee Dee River Heritage Preserve. The FEIS states that mitigation for the impacted property would include locating and purchasing compensatory acreage, which would be done in coordination with SCDNR through a Memorandum of Agreement prior to issuance of the Record of Decision.

Thank you for the opportunity to comment on this project, and your continuing coordination with EPA. If we may be of further assistance, please contact me or Ramona McConney of my staff at (404) 562-9615.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz Mueller", with a horizontal line extending to the right.

Heinz J. Mueller, Chief
NEPA Program Office

cc: Mitchell Metts, P.E., SCDOT